

1 **DRAFT**  
2 **DURHAM TOWN COUNCIL**  
3 **MONDAY, SEPTEMBER 9, 2024**  
4 **DURHAM TOWN HALL - COUNCIL CHAMBERS**  
5 **7:00 PM**

6 **MEMBERS PRESENT:** Council Chair Sally Needell, Councilor James Bubar, Councilor  
7 Wayne Burton, Councilor Darrell Ford, Council Pro Tem Joseph Friedman, Councilor Eric  
8 Lund, Councilor Curtis Register  
9

10 **MEMBERS ABSENT:** Councilor Emily Friedrichs (who uses the pronouns ze/zir/zirs/zirself  
11 and the title Mx. Friedrichs), Councilor Heather Grant  
12

13 **OTHERS PRESENT:** Administrator Todd Selig  
14

15 **I. Call to Order**

16 Chair Needell called the meeting to order at 7:00 PM.  
17

18 **II. Town Council grants permission for fewer than a majority of Councilors to**  
19 **participate remotely - N/A**  
20

21 **III. Roll Call of Members**

22 Councilor James Bubar, Chair Sally Needell, Chair Pro Tem Joe Friedman, Councilor  
23 Wayne Burton, Councilor Eric Lund, Councilor Darrell Ford; Councilor Curtis Register  
24 arrived at 7:04 PM.  
25

26 **IV. Approval of Agenda**

27 *Chair Needell MOVED that the Durham Town Council does APPROVE the meeting*  
28 *agenda for Monday, Sept. 9, 2024, as written. The motion was SECONDED by*  
29 *Councilor Ford and PASSED unanimously 6-0 by a show of hands.*  
30

31 **V. Special Announcements**

- 32 A. Chair Needell said Cathy Leach, chair of the Parks & Recreation Committee, will not be  
33 present to give a report on the committee's activities and projects as scheduled on the  
34 agenda.  
35 B. Chair Needell noted the Council will vote at this meeting about whether to cancel the  
36 Sept. 16th Council meeting so the Council may not be meeting next week.  
37  
38  
39  
40

1 **VI. Public Comments (\*) – Please state your name and address before speaking**

2  
3 **William Hall, Smith Park Lane**, spoke about several water projects, including the water  
4 tower at Beech Hill, the replacement of the PRV valve, pump and generator on Tech Drive,  
5 extending the hydrant from the circle to the UNH sports complex, the Strafford Avenue  
6 Extension replacement, and the removal of 40 years of material from the recharge basin,  
7 which he believes UNH should share the cost of with the town and which he believes UNH  
8 did not pay its share of the costs.

9  
10 **Loren Selig, 3 Nobel K Peterson Drive**, reminded all that the statewide primary election  
11 day is Tuesday, Sept. 10, and that the Durham polling place is at Oyster River High School.  
12 She noted she is on the ballot, but encouraged voters to research all the candidates and to  
13 vote.

14  
15 **Timothy Horrigan, 7 Faculty Road**, said he is also on the primary ballot and that he  
16 agreed with everything Loren Selig said, encouraging everyone to vote. He said New  
17 Hampshire has the latest primary in the country, tied with Rhode Island, and that there was  
18 a bill introduced in the state legislature to move it to August and that there was a lot of  
19 support for moving it up, but the bill died in Concord. He said stronger majority leadership  
20 at the Statehouse is needed. He said those elected to the state legislature will face two  
21 issues he wanted to bring attention to: banning guns at the polls and passing a statewide  
22 gun-free school law. He said guns in polling places are unnecessary and potentially  
23 dangerous. He said schools have to close during elections because someone may bring a  
24 gun into the school while voting because these two laws don't exist.

25  
26 **Robin Mower, 6 Britton Lane**, urged residents to vote for Kathryn Mone for Sheriff,  
27 Marjorie Smith for State Representative and Cinde Warmington for Governor, and talked  
28 about their qualifications for these offices.

29  
30 **Joshua Meyrowitz, 7 Chesley Drive**, gave an audio-visual update about the arrests made  
31 on May 1, 2024 at the pro-Palestinian rally on the lawn of Thompson Hall on the UNH  
32 campus, asking for a more in-depth investigation into the events. He said there will be  
33 forum on Tuesday, Sept. 17 at 1 p.m. in the Granite State Room of the MUB about the  
34 events. He said one of the arrested students will be in court at 1 p.m., Tuesday, Sept. 10 in  
35 Dover District Court if anyone wants to support him. He said he appreciated the Town  
36 Council passing the free speech resolution at its last meeting and urged the town to  
37 continue to partner with UNH to heal what happened and move forward.

38  
39 **Molly Flagg, owner of the business Good Planet Apparel, which is opening on Jenkins**  
40 **Court, and Abbie Weckesser, general manager of WUNH**, spoke about the Block Party

1 they want to host on Saturday, Oct. 5, from noon to 6 p.m., which would require blocking  
2 off Jenkins Court from vehicular traffic. The event is on the agenda for this meeting.

3  
4 **VII. Report from the UNH Student Senate External Affairs Chair or Designee**

5  
6 **Abigail Bagley** introduced herself as the External Affairs Chair for the student body  
7 president at UNH for this year. She said she has received positive feedback from  
8 businesses and the community about the Durham Food Crawl event, which was held  
9 downtown on Saturday, Sept. 7, and highlighted six businesses on Main Street. Her goal  
10 is to facilitate communication between the Student Senate and the town, and welcomed  
11 any feedback from the Council. She invited the councilors to attend a Student Senate  
12 meeting and to address them if interested.

13  
14 **VIII. Unanimous Consent Agenda** (Requires unanimous approval. Individual items may be  
15 removed by any councilor for separate discussion and vote)

16 Chair Needell proposed removing item D about the proposed Block Party on Oct. 5 from  
17 the group.

18  
19 *Chair Needell MOVED that the Town Council approve items A. that the Town Council*  
20 *schedule a Special Meeting Date on December 9, 2024 for the Purpose of Deliberating*  
21 *the Proposed FY2025 Operating, Capital, and Special Fund Budgets and the 2025-*  
22 *2034 Capital Improvement Plan, and schedule a Public Hearing on the Proposed FY*  
23 *2025 Budget and 2025-2034 Capital Improvement Plan for Monday, November 18,*  
24 *2024; B. that the Town Council cancel the Council meeting of September 16, 2024;*  
25 *and C. that the Town Council, Upon Recommendation of the Administrator, authorize*  
26 *waiving the requirement to follow a formal bidding process for purchases over \$30,000*  
27 *per Section 5 of the Town of Durham Purchasing Policy dated April 15, 2024, and*  
28 *approve Chislett's Boating and Design LLC, 35 Industrial Park Drive, Dover, New*  
29 *Hampshire, as a single source supplier for the purchase of a Maritime 1890 skiff 18-*  
30 *foot rescue boat with dive door, motor, accessories and trailer; and to unseal the non-*  
31 *public session minutes for the year 2000 dated Feb. 21, April 23, May 15 and May 22,*  
32 *and for the year 2021 dated March 26. Councilor Lund SECONDED the motion,*  
33 *which PASSED unanimously on a roll call vote.*

34  
35 C. The Council discussed with organizers their proposal for a Block Party on Jenkins Court  
36 on Saturday, Oct. 5. Chair Needell asked Ms. Flagg and Ms. Weckesser if the other  
37 businesses on Jenkins Court know about the Block Party event and if the other businesses  
38 would be invited to participate. The pair replied they had spoken to two, but were waiting  
39 to approach others until they knew for certain the event would have the approval of the  
40 Town Council. They said they were inviting downtown business owners and some UNH

1 business owners to participate. Several councilors said it would be preferable to get the  
2 approval of neighboring businesses and property owners before presenting to the Council  
3 for approval. Councilor Register pointed out the town's police, fire and public works  
4 departments have given approval of the event. Since the Council will not meet again  
5 before the date they are requesting - Saturday, Oct. 5, councilors decided they could  
6 approve with conditions and that the responsibility for verifying that the conditions have  
7 been met would fall to Administrator Selig, who asked organizers to get the approvals by  
8 Sept. 19, two weeks before the event.

9  
10 ***Councilor Lund MOVED that the Council approve the Block Party event on Jenkins***  
11 ***Court for Saturday, Oct. 5, 2024 on the condition that organizers notify the majority of***  
12 ***the business and property owners on Jenkins Court and Administrator Selig signs off***  
13 ***on the permit after verification that others have been notified for inclusion in the event.***  
14 ***Councilor Register SECONDED the motion which PASSED unanimously on a roll***  
15 ***call vote.***

16  
17 **IX. Committee Appointments**

18 ***A. Chair Needell MOVED that the Town Council upon recommendation of the Parks***  
19 ***& Recreation Committee Chair appoint Erin Guyotte, 14 Old Landing Road, to fill an***  
20 ***unexpired Regular Membership on the Parks & Recreation Committee with a term***  
21 ***expiration of April 2026. Councilor Friedman SECONDED the motion, which passed***  
22 ***unanimously on a roll call vote.***

23  
24 ***B. Chair Needell MOVED that the Town Council upon recommendation of the***  
25 ***Planning Board Chair appoint regular member Tom DeCapo, 315 Durham Point***  
26 ***Road, to fill an unexpired Alternate Membership on the Planning Board with a Term***  
27 ***expiration of April 2027. The Council discussed the need to recruit new regular***  
28 ***members for the Planning Board. Councilor Ford SECONDED the motion which***  
29 ***passed unanimously on a roll call vote.***

30  
31 **X. Presentation Items**

32 **A. Cathy Leach, chair of the Parks & Recreation Committee, was unable to be present to**  
33 **give her overview of the committee's activities and events. The presentation will be**  
34 **rescheduled for a meeting in the future.**

35  
36 **XI. Unfinished Business - None**  
37  
38  
39  
40

1 **XII. Approval of Minutes – June 24, 2024 & August 12, 2024**

2  
3 *Chair Needell MOVED that the Durham Town Council hereby ADOPT the Durham*  
4 *Town Council meeting minutes of June 24, 2024 with minor corrections. The motion*  
5 *was SECONDED by Councilor Lund and PASSED 6-0 by a show of hands. Councilor*  
6 *Ford abstained as he was not present at that meeting.*

7  
8 *Chair Needell MOVED that the Durham Town Council hereby ADOPT the Durham*  
9 *Town Council meeting minutes of August 12, 2024 with minor corrections. Councilor*  
10 *Ford SECONDED the motion which was PASSED 6-0 by a show of hands. Councilor*  
11 *Register abstained as he was not present at that meeting.*

12  
13 **XIII. Councilor and Administrator Roundtable**

14 Councilor Register-Agricultural Commission

15 Councilor Register said he has missed the last two Agricultural Commission meetings. He  
16 said the Commission is meeting tonight at the Police Station and is receiving the Housing  
17 Task Force presentation by Sally Tobias. He said the Commission is concerned that the  
18 proposed housing development location is on the USDA's highest grade of fertile land in  
19 the Durham area. He said it is important to weigh developing the area against the  
20 reasonable protection of fertile land in a time of climate change, which he believes will  
21 bring the need to grow more food locally.

22  
23 Councilor Register reported that Durham Farm Day was a huge success. Thanked everyone  
24 who showed up and helped make the event happen. He said it was nice to see local  
25 businesses at the farms supporting them.

26 He said the Agricultural Commission would have its next meeting on Sept. 21 at 7 p.m.

27  
28 Councilor Register-School Board

29 Councilor Register said the School Board met on Sept. 4. The board discussed the  
30 refunding of the expendable trust fund or not. They debated refunding some money they  
31 had promised to refund in February to defray the school tax rate or hold on to those funds  
32 as they overages in capacity with 20 students more than projected. If they hold the  
33 expendable trust fund and use it or future facility upgrades that will mitigate a tax increase  
34 in the future. If they refund now, it will defray a tax increase now but will have a  
35 significantly bigger increase when the facility upgrades come in.

36  
37 He said Schools Superintendent Shaps addressed the Georgia high school shooting and  
38 how it's important to have a good working knowledge of the kids in our schools as well as  
39 developing and maintaining a good relationship with local fire and police. Councilor  
40 Register said the town's emergency services regularly tabletop active shooter drills and that

1 he will attend one so he can better understand the procedures and training.

2  
3 He said Superintendent Shaps will begin a four-meeting focus group series to encourage  
4 the community to interact with him and show how education ties into the community as a  
5 whole on Sept. 11.

6  
7 He said the ORMS principal is holding an open house forum at 8 a.m. on Sept. 27 for the  
8 public to ask questions.

9  
10 The school board will next meet on Sept. 18 in the newly named Morse Recital Hall.

11  
12 Councilor Ford-Land Stewardship Subcommittee

13 Councilor Ford said the commission will meet on Wednesday, Sept. 11 at 8:30 a.m. He  
14 reported that Sara Callaghan has taken a full-time position at UNH and will be leaving the  
15 subcommittee and that will be discussed at the meeting.

16  
17 Councilor Lund-Energy Commission

18 Councilor Lund said the Energy Committee met Sept. 3. They discussed term expirations  
19 which is on the Council agenda tonight. There was a discussion about a possible solar  
20 project installation at the landfill which is a south-facing slope and where the array would  
21 be hidden and not objectionable to neighbors. They are working on refining a proposed  
22 ordinance providing EV charging stations in new and substantial renovation construction.

23  
24 He said there is a Seacoast Challenge on to get people to opt up from the 33 % renewable  
25 plan, which is the default because it's less than the Eversource baseline rate, for  
26 Community Power.

27  
28 Councilor Lund-Historic District Commission/Heritage Commission

29 The Historic District/Heritage Commission met Sept. 5 and approved the refurbishment of  
30 Community Church's memorial park at Mill Pond and Church Hill Road at the top of a hill.  
31 There was discussion about a proposed plaque to be placed on the original town hall at the  
32 corner of Dover Road and Newmarket Road. There was discussion about a proposed  
33 ordinance that would not require HDC approval for memorial benches in the Historic  
34 District. The HDC will next meet on Oct. 10 as Oct. 3 is Rosh Hashanah.

35  
36 Councilor Burton-Conservation Commission

37 Councilor Burton reports the Conservation Commission discussed increasing the size of the  
38 proposed buffer from bodies of water. He said it was the unanimous vote of the committee  
39 to go to 330 feet from 125 feet. The Council discussed the proposal, which now goes  
40 before the Planning Board.

1        Councilor Burton

2        Councilor Burton also noted that 25 Republicans, leadership in the House, Senate and  
3        Governor’s Office, are filing suit to back away from the Claremont 1 school funding  
4        decision. He said that would undermine all of the work of the last 40 years to fund schools  
5        and adds uncertainty about how much the state will support schools.

6  
7        As a follow to the earlier discussion by State Rep. Horrigan, Councilor Burton noted guns  
8        are allowed in schools in New Hampshire. The only place guns aren’t allowed in the state  
9        is military bases.

10  
11       Chair Pro Tem Friedman – Parks & Recreation Committee

12       Chair Pro Tem Friedman said Parks & Recreation met on Aug. 27 and discussed the  
13       department’s presentation to the Council, which will now be rescheduled for another Town  
14       Council meeting. He said Parks & Recreation has joined with the Land Stewardship  
15       Commission to plan a series of monthly hikes beginning with one on Sunday, Sept. 15 at  
16       the Long Marsh Preserve. There is still room available on this hike. There’ll be a hike Oct.  
17       6 at the Oyster River Forest and on Nov. 10 at the Stevens Wood and Foss Farm.

18  
19       Parks & Recreation has set the Downtown Trick or Treat for Saturday, Oct. 26.

20  
21       The Parks & Recreation Committee will next meet Tuesday, Sept. 24.

22  
23       Chair Pro Tem Friedman - Seacoast Economic Stakeholders

24       The Seacoast Economic Stakeholders recently visited Prep Partners, a logistics company in  
25       Rochester. Their next meeting is on Sept. 24.

26  
27       Chair Needell-Human Rights Commission

28       Chair Needell reported the Human Rights Commission has not met since the last Council  
29       meeting. It will next meet on Oct. 8 from 3:30 to 5 p.m. They are looking at restructuring  
30       the commission, possibly dividing into two groups.

31  
32       Chair Needell said the commission is working on Indigenous Peoples Day programming  
33       and will look at the new state law that requires that the holiday known in Durham as  
34       Indigenous Peoples Day also must include Columbus Day in its name.

35  
36       21 Senses spoke to the commission and is looking for funding from the town, which the  
37       commission is supporting.

38  
39       The commission will discuss the free speech resolution, which was passed by the Town  
40       Council, and the definition of antisemitism at its next meeting.

1  
2 Chair Needell also thanked Jane Murphy, the Council’s new minutes taker, who was in  
3 attendance.

4  
5 Councilor Bubar-Zoning Board of Adjustment

6 Councilor Bubar said the ZBA had one variance to consider. A contractor is developing the  
7 oldest house in Durham and came before the board for a variance. He said Town Planner  
8 Michael Behrendt convinced the developer to restore the property instead of demolishing it.  
9 The applicant will seek a variance before the Heritage Commission to create an ADU to  
10 make the restoration financially viable. The ZBA discussed an ordinance from the  
11 Conservation Commission. The commission wants to be notified prior to other boards  
12 approving something that affected them. The ZBA suggested that when an application  
13 comes in, the Planning Department should sort it out and if it needs to go to the  
14 Conservation Commission, send it there first and then send it to ZBA to streamline the  
15 process.

16  
17 Councilor Bubar-Integrated Waste Management Committee

18 The Integrated Waste Management Committee met and discussed a Clothing Swap on Nov.  
19 2 at the Oyster River Middle School organized by Erin Hale and modeled on one that’s  
20 taken place in Portsmouth for years. They are looking for volunteers.

21  
22 The committee has been working with Hannaford’s locally and the store manager Robin  
23 Bisson is enthusiastic about sustainability and may be coming to the next IWMC meeting.

24  
25 Councilor Bubar said IWMC has organized a Compost Challenge for the fall.

26  
27 He said the committee also discussed single use plastics and is drafting a proposal for the  
28 Town Council to restrict the town from using town funds to buy single use plastics.

29  
30 Administrator Selig

31 Administrator Selig said the town was made aware of the state law that requires using  
32 Columbus Day in the name of the holiday Durham calls Indigenous Peoples Day. He said  
33 he is taking it to the Human Rights Commission for discussion. They may develop a  
34 recommendation for the Council to consider. For the time being, the town updated its  
35 official holiday list to read Columbus Day with “Also designated locally as Indigenous  
36 Peoples Day by Town Council Resolution #2017-28” in parentheses below it.

37  
38 Administrator Selig reported that a water pipe broke in Town Hall last week, flooding the  
39 Town Clerk’s office during a very busy time. He commended the staff for being good-  
40 natured and dealing with the inconvenience.



1  
2 Administrator Selig reminded everyone the state primary election is Tuesday, Sept. 10  
3 from 7 a.m. to 7 p.m. at the Oyster River High School Multipurpose Room. He said  
4 everything was set up and ready as of 3:30 p.m. Monday.  
5

6 Administrator Selig said preliminary budget development is ongoing. The work sessions  
7 with the various departments have been posted and the public is invited to attend. He said  
8 it's been a productive process.  
9

10 On Wednesday, Sept. 11 at 7 p.m., the Planning Board as part of its agenda will meet with  
11 Gail Jablonsky, myself, public works and fire staff to talk about the Capital Improvement  
12 Plan.  
13

14 He said the town will mark the Sept. 11th anniversary with a ceremony at 8:30 a.m.,  
15 Wednesday, Sept. 11 at the Durham Fire Department. The public is invited to attend.  
16

#### 17 **XIV. New Business**

18 A. Discussion and Possible Adoption of Resolution #2024-18 to amend the Resolution  
19 #2007-14 "Creating the Energy Committee Steering Committee (Later Renamed the  
20 Durham Energy Committee) to Establish 3-Year Terms for members.  
21

22 ***Council Lund MOVED to ADOPT Resolution #2024-18, Chair Needell SECONDED the***  
23 ***motion which PASSED unanimously by a roll call vote.***  
24

25 Chair ProTem Friedman thanked Administrative Assistant Karen Edwards and the  
26 Administrator's Office for pulling together the information for these resolutions and getting  
27 them done so quickly.  
28

29 B. Discussion and Possible Adoption of Resolution #2024-19 Amending Resolutions  
30 #2001-13 "Renaming the Recycling  
31 Committee to the Integrated Waste Management Advisory Committee" to Establish 3-  
32 Year Terms for Members.  
33

34 ***Chair Needell MOVED to ADOPT Resolution #2024-19. Councilor Lund SECONDED***  
35 ***the motion. There was no discussion about the resolution. The motion PASSED on a***  
36 ***unanimous vote by roll call.***  
37  
38  
39

1 C. Discussion of possible questions for UNH President Chilton to be addressed at a  
2 subsequent meeting.

3  
4 Town Councilors reviewed the questions and discussed some changes, combining some  
5 questions into one when there was overlap, and rewording others. There was an extensive  
6 discussion about the reduction of hours at the Dairy Bar and about the Train Depot in  
7 general. Administrator Selig clarified that the longtime manager of the Dairy Bar retired  
8 and they have not found anyone to replace them so when they do hire someone, they intend  
9 to open the Dairy Bar for longer hours again. They do not have enough managers to do that  
10 now. He also talked about the town's and university's future plans for the Depot that have  
11 not been realized because of a lack of funding, but they are seeking grants to enhance the  
12 building and area. Councilor Register pointed out that the tone of the questions should not  
13 be finger-pointing at UNH because it is experiencing the same challenges all businesses  
14 are. He suggested the declarative sentences should be omitted and just keep the questions.  
15 The suggestion was made to add in a question about the Edge at West End development,  
16 and discussion about the town's role in its development. Councilors agreed the tone should  
17 be one of collaboration with the university. Administrator Selig will put the questions into a  
18 correspondence to the UNH president.

19  
20 **XV. Nonpublic Session (if required) - Not Required**

21  
22 **XVI. Extended Councilor and Administrator Roundtable (if required) - Not Required**

23  
24 **XVII. Adjourn (NLT 10:30 PM)**

25 Councilor Burton offered a note of gratitude to the town's staff for how well and how  
26 quickly they recovered after the broken pipe flooded Town Hall. He said the town has  
27 "an amazing group of people in this building." All the councilors and  
28 Administrator Selig agreed they did a great job.

29  
30 ***Councilor Bubar MOVED to ADJOURN the meeting. The motion was SECONDED by***  
31 ***Councilor Lund and PASSED unanimously by a show of hands. The meeting***  
32 ***ADJOURNED at 9:04 PM.***

33  
34 *- Jane Murphy, Minutes Taker*

35